

Community Development Director  
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## **City of Lake Forest Park Notice of Decision for Major Critical Area Permit**

### **SR-104 and 40<sup>th</sup> PL NE Roundabout**

**File Number:** 20250033

**Applicant:** City of Lake Forest Park (Mike Read, PE, Senior Project Manager)

**Location of Proposal:** Intersection of SR 104 and 40<sup>th</sup> PL NE, City of Lake Forest Park

**Proposal:** Construct a traffic roundabout and related road work and sidewalks at the intersection of SR 104 and 40<sup>th</sup> PL NE. Construction would also include street widening, pedestrian crossing improvements, utility upgrades or replacements, new lighting, and retaining walls. A portion of the work will occur in the buffer for McKinnon Creek, a Type F stream. The stream buffer is currently fragmented by the existing public roadway rights of way for SR 104 and NE 184<sup>th</sup> Street. The work is expected to begin in Spring of 2026 and last up to 18 months.

**Other Approvals Needed:** WSDOT Construction Agreement for work in State right-of-way; Public Works review of Retaining Wall permit in accordance with LFPMC 12.50; associated permits for building, right-of-way, tree removal, and clearing and grading.

#### **Findings and Conclusions:**

1. A Notice of Application was issued on October 1, 2025, along with an associated 14-day comment period. A subsequent public neighborhood meeting was held by the Public Works Dept. in accordance with LFPMC 12.50.020.B.2 on November 6, 2025.
2. A SEPA threshold determination was issued on December 12, 2025, utilizing the optional DNS process at WAC 197-11-355. No appeals were filed.
3. The Critical Area Report (ESA, Revised February 2024) identified one wetland ("Wetland A") and one stream (McKinnon Creek) within the project vicinity. No impacts will occur to wetland A or its buffer however a portion of the project footprint will impact portions of the 115-foot buffer of McKinnon Creek. The proposed area of impact is entirely within the established public road right of way for SR 104 and NE 184<sup>th</sup> St. Pursuant to LFPMC 16.16.355.C.4, the Director may waive the buffer requirement for previously impacted areas if certain criteria are met. The Critical Area Report (revised February 2025) describes how each of the applicable criteria are met, and the Director

hereby waives the buffer requirement for that portion of the project area as detailed in Section 5.1 of the Critical Area Report.

4. During early consultation with various Tribes and other agency partners, the City completed a Cultural Resource Assessment and received a letter of No Historic Resources Impacted in 2023 from the DAHP. The project is appropriately conditioned for compliance with inadvertent discovery standards.
5. The project will be conditioned for applicable standards through associated permits for WSDOT Construction Agreement for work in State right-of-way, and City permits for retaining wall, tree removal, right-of-way, and clearing and grading.
6. The project complies with procedural and substantive standards for applicable Type III land use permits (Major Critical Area and Retaining Wall).

**Decision:** The application for a Major Critical Area Permit (No. 20250033) is **approved**, subject to the following conditions:

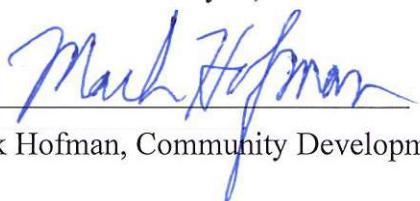
1. Development shall substantially comply with the Roundabout Project Plan (Sheet 1 of 1) prepared by Transportation Solutions. Minor revisions to the retaining wall design and location may be approved within the scope of this permit if the Community Development Director determines such revisions do not result in new adverse environmental impacts.
2. If cultural resources are unearthed during the development process, immediately cease and desist all operations and contact the Community Development Department, the Washington State Department of Archeology and Historic Preservation Historic Preservation Officer, and regional Native American Tribes (including the Duwamish Tribe) concerning the appropriate treatment of archaeological and historic resources. Do not resume work until appropriate approvals are received and the City has authorized development to resume. The applicant shall follow the “stop-protect-notify” protocols for inadvertent discovery in accordance with Department of Ecology Publication 070-560 (rev. 06/21).

**Appeals:** This Type-III decision by the Community Development Director (Code Administrator) may be appealed to the City’s Hearing Examiner per LFPMC 16.26.190, Type III - Appeal. To do so, submit a written appeal statement to the City Clerk, Matthew McLean, at 17425 Ballinger Way NE, Lake Forest Park, WA 98155, along with a \$500 filing fee no later than the 14th day following the date of publication of this decision (appeals shall be submitted by close of business January 29, 2026). You should be prepared to make specific factual objections in your written appeal.

**Date of action:** January 12, 2026

**Date of publication:** January 15, 2026

**Signature:**



Mark Hofman, Community Development Director

